

FILED IN CHAMBERS
U.S.D.C ATLANTA

Date: Nov 30 2021

KEVIN P. WEIMER, Clerk

By: s/Kari Butler
Deputy ClerkIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NADINE LEE,

Plaintiff,

v.

RICKY L. CLARK, JR., et al.,

Defendants.

CIVIL ACTION FILE NO.


1:21-CV-03858-MLB-WEJ

FINAL REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff's Motion to Dismiss Duplicate Filed Civil Action 1:21-cv-03854 and Refund Filing Fee [6]. Plaintiff, Nadine Lee, filed two duplicate cases with the Court. On September 17, 2021, she filed Civil Action 1:21-cv-03854-ELR-AJB and paid the \$402 filing fee; however, she neglected to include necessary information on the proposed summons in that civil action. Plaintiff misunderstood the Clerk's instructions to correct her omission and instead filed the instant duplicate case on that same day and paid a second \$402 filing fee. Plaintiff seeks to dismiss her first filed case and to obtain a refund of the duplicate filing fee.

The appropriate way to address plaintiff's mistake is to consolidate the two cases and close the later filed case. Accordingly, the undersigned **RECOMMENDS** that the Court **GRANT IN PART AND DENY IN PART** plaintiff's Motion to Dismiss [6]. The undersigned **RECOMMENDS** that plaintiff's request for a refund of the duplicate filing fee be **GRANTED** and that the Clerk be directed to refund her \$402. Additionally, the undersigned **RECOMMENDS** that the Court direct the Clerk to close the instant case and to consolidate all the filings herein into Civil Action 1:21-cv-03854-ELR-AJB.

SO RECOMMENDED, this 30th day of November, 2021.



WALTER E. JOHNSON
UNITED STATES MAGISTRATE JUDGE